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DATE July 28, 2003

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PAGES (INCLUDING THIS COVER PAGE) 12

RE Application Serial No. 09/847,525

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

-12-

Attorney Docket No.

NB 2016.00

ENCLOSURES (check all that apply) Fee Transmittal Form Assignment Papers
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Reply Licensing-related Papers Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declarations Petition to Convert to a Provisional Application Status Letter Extension of Time Request Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s) (please identify below): Express Abandonment Request Terminal Disclaimer

Communication Accompanying Petition to Revive and Copy of Prosecution by Assignee and Power of Attorney

 Information Disclosure Statement Request for Refund Certified Copy of Priority Document(s) CD, Number of CD(s) _____

Remarks

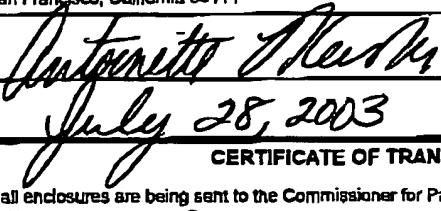
FAX RECEIVED Response to Missing Parts/
Incomplete Application

JUL 28 2003

 Response to Missing Parts
under 37 CFR 1.52 or 1.53

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Antoinette F. Konski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	
Date	July 28, 2003

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper and all enclosures are being sent to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below via facsimile to (703) 308-6918.

July 28, 2003



Peggy Nichols

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Docket No. NB 2016.00

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Dated: July 28, 2003

Name of Person Certifying:

Printed Name: Peggy Nichols**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: **Ming Fai Chan**Filing Date: **May 1, 2001**Examiner: **Berch, Mark L.**Serial No.: **09/847,525**Group Art Unit: **1624**Title: **BETA-LACTAM ANTIBIOTICS (AS AMENDED)**

Mail Stop Petitions
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FAX RECEIVED**JUL 28 2003****PETITIONS OFFICE****NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Appeals from the Notice of Abandonment dated July 2, 2003. The items checked below are appropriate.

- Appeal Fee:
 Large Entity Fee of \$320.00; or
 Small Entity Fee of \$160.00.

 Applicant(s) claim Small Entity Status under 37 CFR § 1.27.

 Petition for Extension of Time (3 mos.)
 Petition for Extension of Time Fee \$

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Docket No. NB 2016.00

 Payment of Fees

- Enclosed is Check No. _____ in the amount of \$ _____.
- Please charge Deposit Account No. 50-2518, in the amount of \$ 160.00 to cover the above fees referencing billing reference No. 2023896-7062.
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DATE: July 28, 2003

Respectfully submitted,

By:


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